

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. G-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby  
designated an B-1-B (Limited Business) District under the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:

Part of the Northeast Quarter of the Northeast Quarter of  
Section 20, Township 31 North, Range 12 East, Allen  
County, Indiana, more particularly described as follows:

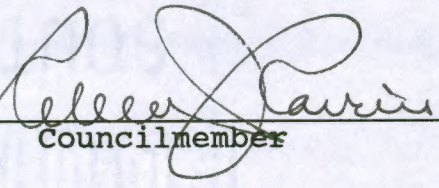
Beginning on the East line of said Northeast Quarter at  
a point situated 86.98 feet, South 00 degrees 00 minutes  
West (assumed bearing and is used as the basis for the  
bearings in this description) from the Northeast corner  
of said Northeast Quarter, thence South 00 degrees 00  
minutes West, on and along said East line, being within  
the right-of-way of Hillegas Road, a distance of 1084.92  
feet to the Northeast corner of a 1.27 acre tract of land  
described in Deed Record 396, pages 521 and 522; thence  
North 87 degrees 51 minutes 30 seconds West, on and along  
the North line of said 1.27 acre tract, a distance of  
435.5 feet to the Northwest corner of said 1.27 acre  
tract, being a point on the Northeasterly right-of-way  
line of Goshen Road; thence North 40 degrees 24 minutes  
20 seconds West, on and along the Northeasterly right-of-  
way line as situated parallel to and 45.0 feet normally  
distance Northeastward from the centerline of said Goshen  
Road, a distance of 491.75 feet to a point on the  
Easterly limited access right-of-way line of U.S Highway  
#33; thence North 38 degrees 28 minutes 20 seconds West,  
on and along said limited access right-of-way line, a  
distance of 620.0 feet; thence North 33 degrees 25  
minutes 20 seconds West, continuing along said limited  
access right-of-way line, a distance of 327.0 feet;  
thence North 05 degrees 52 minutes 40 seconds East,  
continuing along said limited access right-of-way line  
and the Northerly projection thereof, a distance of 79.25  
feet to a point on the North line of said Northeast  
Quarter; thence South 87 degrees 33 minutes 20 seconds  
East, on and along said North line, being within the  
right-of-way line of Washington Center Road, a distance  
of 1220.2 feet; thence South 00 degrees 00 minutes East  
and parallel to the East line of said Northeast Quarter  
a distance of 25.0 feet; thence South 46 degrees 11  
minutes East, a distance of 93.69 feet; thence South 87  
degrees 33 minutes 20 seconds East and parallel to said  
North line , a distance of 25.0 feet to the point of  
beginning, containing 24.849 acres of land, subject to  
legal right-of-way for Hillegas Road and Washington  
Center Road and subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. G-34,  
as established by Section 11 of Chapter 33 of the Code of the  
City of Fort Wayne, Indiana are hereby changed accordingly.

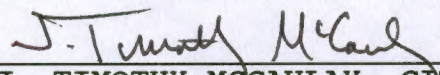


#542

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MECAULAY, CITY ATTORNEY

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Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, M., E.S.T.

DATED: 7-27-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,  
and duly adopted, placed on its passage. PASSED ~~LOST~~  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY				<u>1</u>
EDMONDS	<u>1</u>			
GiaQUINTA				<u>1</u>
HENRY				<u>1</u>
LONG	<u>1</u>			
LUNSEY	<u>1</u>			
RAVINE	<u>1</u>			
SCHMIDT	<u>1</u>			
TALARICO	<u>1</u>			

DATED: 8-10-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL)  
(SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE RESOLUTION NO. 2-05-93  
on the 10th day of August, 19 93

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 11th day of August, 19 93,  
at the hour of 11:00 o'clock 7 P., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of August,  
19 93, at the hour of 11:20 o'clock 11:20 P. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



# RECEIPT

No 14871

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 6/16 1993

RECEIVED FROM

Bride C Store Inc

\$ 300.00

THE SUM OF

Three Hundred and 00/100

DOLLARS

ON ACCOUNT OF

Bezoning

# 22854

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

Kathe Evans

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

THIS IS TO BE FILED IN DUPLICATE

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We James H. and Margaret R. Braun

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B 1B District the property described as follows:

See attached

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

James H. Braun

Margaret R. Braun

(Name)

4005 KROEMER RD  
FT WAYNE, IN 46818  
4005 KROEMER RD  
FT WAYNE, IN 46818

(Address)

James H. Braun  
Margaret R. Braun

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

Zohrab K. Tazian

(Name)

345 West Wayne St.

(Address & Zip Code)

(Telephone Number)

Fort Wayne, IN 46802

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

ZOHRAB K. TAZIAN, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.

**zk tazian**

ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46802  
PHONES: 219/424-3232  
219/424-3234 FAX



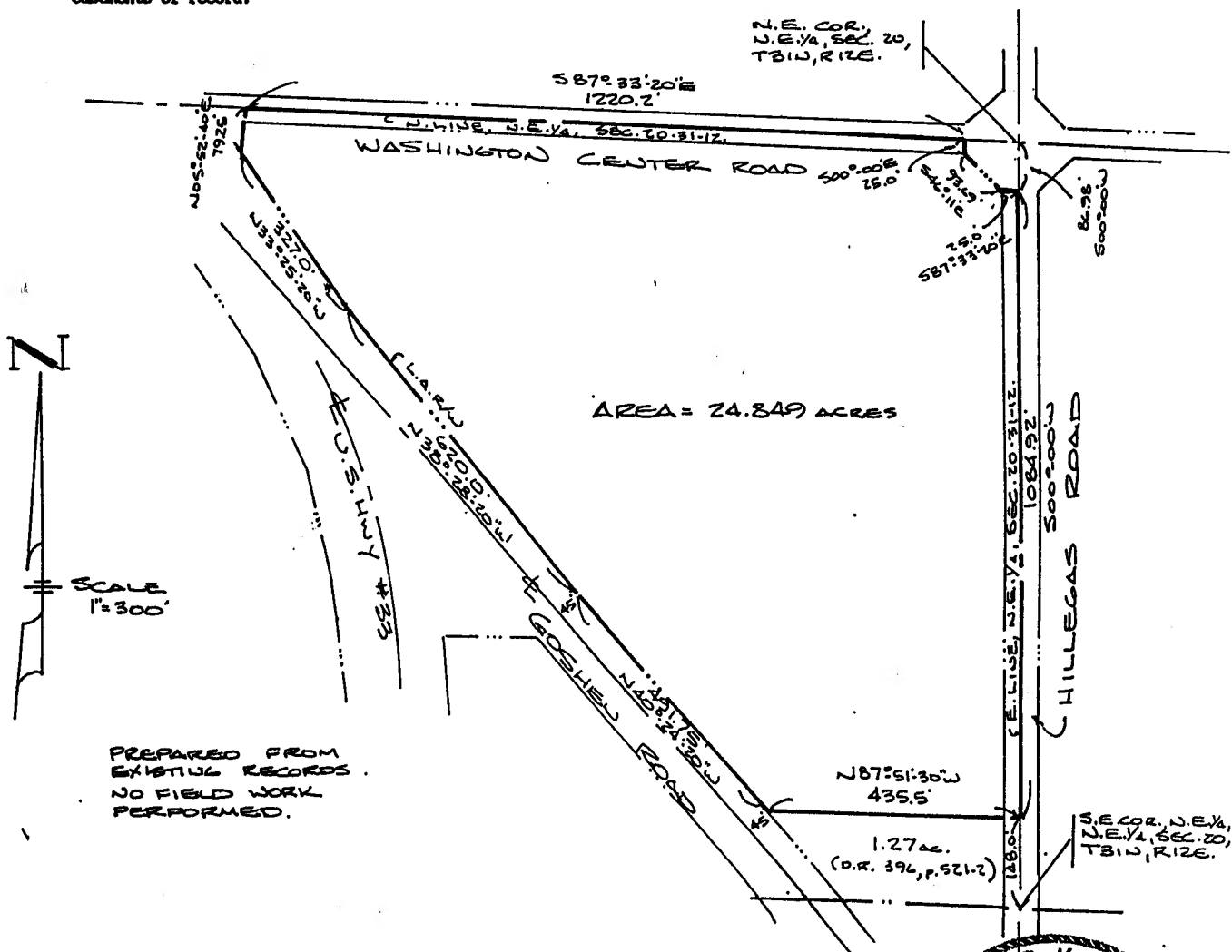
## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of the Northeast Quarter of the Northeast Quarter of Section 20, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the East line of said Northeast Quarter at a point situated 86.98 feet, South 00 degrees 00 minutes West (assumed bearing and is used as the basis for the bearings in this description) from the Northeast corner of said Northeast Quarter; thence South 00 degrees 00 minutes West, on and along said East line, being within the right-of-way of Hillegas Road, a distance of 1084.92 feet to the Northeast corner of a 1.27 acre tract of land described in Deed Record 396, pages 521 and 522; thence North 87 degrees 51 minutes 30 seconds West, on and along the North line of said 1.27 acre tract, a distance of 435.5 feet to the Northwest corner of said 1.27 acre tract, being a point on the Northeasterly right-of-way line of Goshen Road; thence North 40 degrees 24 minutes 20 seconds West, on and along the Northeasterly right-of-way line as situated parallel to and 45.0 feet normally distant Northeastward from the centerline of said Goshen Road, a distance of 491.75 feet to a point on the Easterly limited access right-of-way line of U.S. Highway #33; thence North 38 degrees 28 minutes 20 seconds West, on and along said limited access right-of-way line, a distance of 620.0 feet; thence North 33 degrees 25 minutes 20 seconds West, continuing along said limited access right-of-way line, a distance of 327.0 feet; thence North 05 degrees 52 minutes 40 seconds East, continuing along said limited access right-of-way line and the Northerly projection thereof, a distance of 79.25 feet to a point on the North line of said Northeast Quarter; thence South 87 degrees 33 minutes 20 seconds East, on and along said North line, being within the right-of-way of Washington Center Road, a distance of 1220.2 feet; thence South 00 degrees 00 minutes East and parallel to the East line of said Northeast Quarter, a distance of 25.0 feet; thence South 46 degrees 11 minutes East, a distance of 93.69 feet; thence South 87 degrees 33 minutes 20 seconds East and parallel to said North line, a distance of 25.0 feet to the point of beginning, containing 24.849 acres of land, subject to legal right-of-way for Hillegas Road and Washington Center Road and subject to all easements of record.

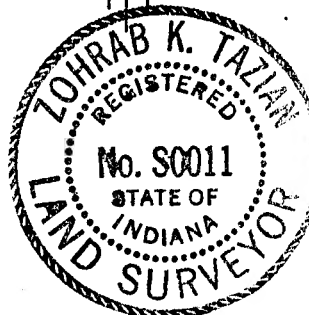


I hereby certify on the 27 day of May, 1993 that the above survey is correct.

Surveyed for: Braun

Survey No.:

*Zohrab K. Tazian*



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 27, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-07-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 19, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;


(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 26, 1993.

Certified and signed this  
27th day of July 1993.

  
\_\_\_\_\_  
Robert Hutner  
Secretary



#542

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

Z-93-07-10

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Southwest corner of West Washington

Center Road and Huguenard Road.

EFFECT OF PASSAGE Property is currently zoned R-1 - Single

Family Residential. Property will become zoned B-1-B - Limited

Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single

Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_



**FACT SHEET**

Z-93-07-10

**Division of Community  
Development & Planning**

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

**DETAILS****POSITIONS****RECOMMENDATIONS**

<b>Specific Location and/or Address</b> SW corner of Washington Ctr Road & Huguenard Road.	<b>Sponsor</b>	City Plan Commission
<b>Reason for Project</b>  Convenience store & future limited business development.	<b>Area Affected</b>	City Wide  Other Areas
	<b>Applicants/ Proponents</b>	<b>Applicant(s)</b> James H & Margaret R Braun City Department  Other
	<b>Opponents</b>	<b>Groups or Individuals</b> Barbara Richardson, 4038 W Wash Ctr Rd <b>Basis of Opposition</b> -increased traffic in area would diminish the residential quality of the homes in the area.
<b>Discussion (Including relationship to other Council actions)</b>  <u>19 July 1993 - Public Hearing</u>  See Attached Minutes of Meeting  <u>26 July 1993 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the six (6) members present, six (6) voted in favor of the motion. Motion Carried.	<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
	<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

**Date** 16 June 1993

**Projected Completion or Occupancy**

**Date** 27 July 1993

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 27 July 1993

**Reviewed by**

**Date**

7/27/93

**Reference or Case Number**



- a. Change of Zone #542  
From R-1 to B-1-B  
Southwest corner of Washington Center Road and Huguenard Road.

Zorb Tazian, from Z K Tazian Associates, representing the owners of the tract James & Margaret Braun and the purchasers of the tract Mr. & Mr. Dick Parish appeared before the Commission. He stated that the tract consists of 24.8 acres. He stated that they have utilities on Washington Center Road. They have a 16 inch water main with hydrants already there. They have sanitary sewer along west side of Huguenard Road. They do not have final answers on terms of where the pipes are for the storm sewers. He stated that the ground slopes north to south. He stated that they are asking for access from both Huguenard Road and Washington Center Road. He stated that the location of the accesses have not gone through the Driveway Subcommittee. He stated that the overall use will be for light commercial, office and retail. He stated that the zoning change for this acreage will not in anyway be inconsistent with the area. He stated that the stores could serve the immediate neighborhood and the northwest quadrant of the city. He stated that the B1B classification limits the uses to 90. He stated that they do not expect to have 90 uses on the property. He stated that the residential character of the area is gone. He stated that there are homes being used for commercial uses, there is an industrial park on the north side along Washington Center Road. He stated that there are some nice homes on the north side of Washington Center Road still, but they are squeezed between two commercial uses. He showed a preliminary layout of the area. He stated that they want to build a convenience store in the southwest corner of Washington Center and Huguenard Roads.

Charles Layton questioned if Bercot-Gibson was across the street on Huguenard Road.

Mr. Tazian stated that there is an industrial park on the west side of Huguenard Road.

Mel Smith questioned if there was any drainage issues in the area.

Zorb Tazian stated there were none to his knowledge.

Mel Smith questioned if this property would be developed in phases or all at once.

Mr. Tazian stated that it would be built in phases.

Mr. Layton stated that there is a storm sewer system in the area, because people have been tapping into the system and the restitution to the builder has been going through the Board of Works.

Barbara Richardson, 4038 W Washington Center Road, stated that she lived on the north side of the proposed project. She stated that she did not feel that their homes on this side of the road were

"squeezed" together. She stated that they all have lots of at least 1 acre. She stated that she has lived there for 9 years and it used to be a nice quiet country road. She stated that the traffic has definitely increased over the last couple of years. She stated that this proposed project is only going to make it worse. She stated that she did not feel that the 10 or 11 homeowners should be dismissed, just because some small commercial establishments exist around them.

In rebuttal, Mr. Tazian stated that he has already alluded to the homes and noted that they are surrounded by commercial, but it does not represent what they consider a prime residential area any longer. He stated that if he were asked to develop this parcel for residential as an engineer he would state that the area could not be developed as residential at this time.

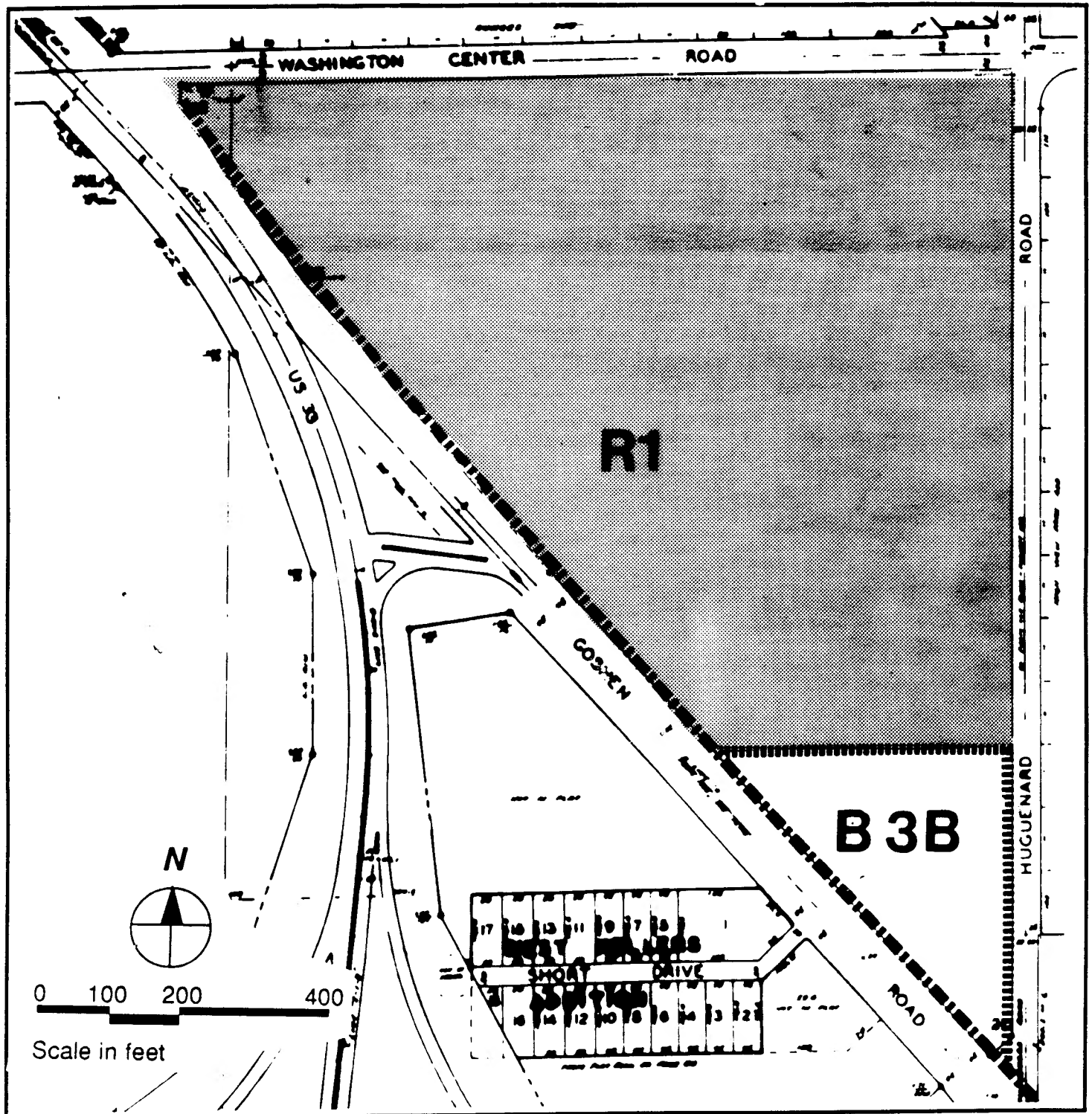
There was no one else present who spoke in favor of or in opposition to the proposed rezoning.



# REZONING PETITION

AREA MAP

CASE NO. #542



COUNCILMANIC DISTRICT NO. 3

Map No. G-34  
LW 6-29-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. Z-93-07-10

REPORT OF THE COMMITTEE ON  
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_ amending the City of  
Fort Wayne Zoning Map No. G-34

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Rebecca Ravine*  
*David Long*  
*CR Edmundo*

DATED:

*8-10-93*

Sandra E. Kennedy  
City Clerk